

103^D CONGRESS
1ST SESSION

H. R. 3583

AN ACT

To make certain non-Federal levees eligible for assistance under the Federal levee rehabilitation program, and for other purposes.

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1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. ELIGIBILITY OF CERTAIN NON-FEDERAL**
4 **LEVEES.**

5 (a) ELIGIBILITY.—Notwithstanding any other provi-
6 sion of law (including any regulation), the eligibility to re-
7 ceive assistance under the levee rehabilitation program of
8 a public sponsor of a primary levee located in the area
9 that was affected by major, widespread flooding in the
10 Midwest during 1993 shall not be affected by the status
11 of participation (or the lack of participation) of the public
12 sponsor in the program.

1 (b) APPLICATION.—A public sponsor of a levee who
2 is eligible to receive assistance under the levee rehabilita-
3 tion program as a result of subsection (a) shall submit
4 an application to participate in the program not later than
5 September 30, 1994.

6 (c) CONDITIONS.—Subject to the availability of
7 funds, assistance may be provided under the levee rehabili-
8 tation program to a public sponsor of a levee which is eligi-
9 ble to receive assistance under the levee rehabilitation pro-
10 gram as a result of subsection (a) only if—

11 (1) the public sponsor demonstrates sufficient
12 financial capability to comply with the requirements
13 of this section;

14 (2) the levee otherwise meets the requirements
15 of the levee rehabilitation program for operation,
16 maintenance, and design;

17 (3) the benefits derived from repair or recon-
18 struction of the levee exceed the costs thereof; and

19 (4) the public sponsor enters into a written
20 agreement acknowledging that any future assistance
21 under the levee rehabilitation program will be condi-
22 tioned upon the public sponsor's continued participa-
23 tion in the program.

1 (d) NON-FEDERAL SHARE.—The non-Federal share
2 of a levee rehabilitation project for which assistance is
3 made available as a result of this section shall be—

4 (1) to provide all lands, easements, rights-of-
5 way, and dredged material disposal areas necessary
6 for the project; and

7 (2) to provide 25 percent of the costs of con-
8 struction of the project of which 5 percent of such
9 costs shall be paid in cash (or a cash equivalent)
10 from non-Federal sources.

11 (e) LIMITATION ON FUNDING.—Of the amounts
12 made available to the Secretary of the Army to provide
13 assistance under the levee rehabilitation program for fiscal
14 year 1994, not more than \$50,000,000 may be used to
15 provide assistance to public sponsors who become eligible
16 to receive assistance under the program as a result of this
17 section.

18 **SEC. 2. LEVEE REHABILITATION PROGRAM DEFINED.**

19 In this Act, the term “levee rehabilitation program”
20 means the levee rehabilitation assistance program of the
21 Army Corps of Engineers carried out under section
22 5(a)(1) of the Act entitled “An Act authorizing construc-
23 tion of certain public works on rivers and harbors for flood

1 control, and for other purposes”, approved August 18,
2 1941 (33 U.S.C. 701n(a)(1)).

Passed the House of Representatives November 23
(legislative day, November 22), 1993.

Attest:

Clerk.